



General Assembly

January Session, 2001

Raised Bill No. 7019

LCO No. 5071

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING RELIEF FROM CIVIL DISABILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) For the purposes of this act, "eligible offender"
2 means a person who has been convicted of an offense, but who has not
3 been convicted more than once of a felony.

4 Sec. 2. (NEW) (a) A certificate of relief from disabilities may be
5 granted as provided in this act to relieve an eligible offender of any
6 forfeiture or disability, or to remove any bar to such offender's
7 employment, automatically imposed by law by reason of such
8 offender's conviction of the offense specified therein. Such certificate
9 may be limited to one or more enumerated forfeitures, disabilities or
10 bars, or may relieve the eligible offender of all forfeitures, disabilities
11 and bars.

12 (b) A conviction of an offense specified in a certificate of relief from
13 disabilities shall not cause automatic forfeiture of any license, permit,
14 employment or franchise, including the right to register for or vote at
15 an election, or automatic forfeiture of any other right or privilege held
16 by the eligible offender and covered by the certificate. A conviction of

17 an offense specified in a certificate of relief from disabilities shall not
18 be deemed to be a conviction within the meaning of any provision of
19 the general statutes that imposes, by reason of a conviction, a bar to
20 any employment, a disability to exercise any right or a disability to
21 apply for or to receive any license, permit or other authority or
22 privilege, covered by the certificate.

23 (c) A certificate of relief from disabilities shall not prevent any
24 judicial, administrative, licensing or other board or commission from
25 relying on the conviction specified therein as the basis for the exercise
26 of its discretionary power to suspend, revoke, refuse to issue or refuse
27 to renew any license, permit or other authority or privilege.

28 Sec. 3. (NEW) (a) Any superior court may, in its discretion, issue a
29 certificate of relief from disabilities to an eligible offender for a
30 conviction that occurred in such court if the court imposed a sentence
31 other than a sentence of imprisonment involving commitment to the
32 custody of the Commissioner of Correction. Such certificate may be
33 issued (1) at the time of sentencing, in which case it may grant relief
34 from forfeitures as well as from disabilities, or (2) at any time after
35 sentencing, in which case it shall apply only to disabilities.

36 (b) The court shall not grant a certificate of relief from disabilities
37 unless the court is satisfied that: (1) The person to whom the certificate
38 is to be granted is an eligible offender, (2) the relief to be granted by
39 the certificate is consistent with the rehabilitation of the eligible
40 offender, and (3) the relief to be granted by the certificate is consistent
41 with the public interest.

42 (c) If a certificate of relief from disabilities is not issued at the time of
43 sentencing, such certificate shall only be issued thereafter upon
44 verified application to the court. The court may, for the purpose of
45 determining whether such certificate should be issued, request the
46 Office of Adult Probation to conduct an investigation of the applicant.
47 Any probation officer requested to make an investigation pursuant to
48 this subsection shall prepare and submit to the court a written report

49 in accordance with such request.

50 (d) If the court has imposed a sentence of a term of imprisonment,
51 with the execution of such sentence of imprisonment suspended
52 entirely, and a period of probation or conditional discharge, and a
53 certificate of relief from disabilities is issued prior to the completion of
54 such period of probation or conditional discharge, the certificate shall
55 be deemed to be a temporary certificate until the person completes
56 such person's period of probation or conditional discharge. During the
57 period that such certificate is temporary, the court (1) may revoke such
58 certificate for violation of the conditions of such person's probation or
59 conditional discharge, and (2) shall revoke such certificate if the court
60 revokes such person's probation or conditional discharge and commits
61 the person to the custody of the Commissioner of Correction. Prior to
62 any such revocation, the court shall give such person notice and an
63 opportunity to be heard. If the certificate is not revoked, it shall
64 become a permanent certificate upon completion of such person's
65 period of probation or conditional discharge.

66 (e) Any court that has issued a certificate of relief from disabilities
67 may at any time issue a new certificate to enlarge the relief previously
68 granted, and the provisions of subsections (a) to (d), inclusive, of this
69 section shall apply to the issuance of any new certificate.

70 (f) Any written report submitted to the court pursuant to this
71 section shall be confidential and not disclosed except where required
72 or permitted by any provision of the general statutes or upon specific
73 authorization of the court. The court may make such report available
74 for examination by the applicant or the applicant's attorney.

75 Sec. 4. (NEW) (a) The Board of Parole may, in its discretion, issue a
76 certificate of relief from disabilities to an eligible offender who (1) has
77 been committed to the custody of the Commissioner of Correction or,
78 (2) resides in this state and whose judgment of conviction was
79 rendered by a court in another jurisdiction. The board may issue such
80 certificate at the time the board releases such person on parole or at

81 any time thereafter.

82 (b) The Board of Parole shall not grant a certificate of relief from
83 disabilities unless the board is satisfied that: (1) The person to whom
84 the certificate is to be granted is an eligible offender, (2) the relief to be
85 granted by the certificate is consistent with the rehabilitation of the
86 eligible offender, and (3) the relief to be granted by the certificate is
87 consistent with the public interest.

88 (c) If a certificate of relief from disabilities is issued by the Board of
89 Parole while an eligible offender is under the board's supervision, the
90 certificate shall be deemed to be a temporary certificate until the
91 person completes such person's period of parole and is discharged
92 from the board's supervision. During the period that such certificate is
93 temporary, the board may revoke such certificate for violation of the
94 conditions of such person's parole. Prior to any such revocation, the
95 board shall give such person notice and an opportunity to be heard. If
96 the certificate is not revoked, it shall become a permanent certificate
97 upon completion of such person's period of parole and discharge from
98 the board's supervision.

99 (d) The board may at any time issue a new certificate to enlarge the
100 relief previously granted, and the provisions of subsections (a) to (c),
101 inclusive, of this section shall apply to the issuance of any new
102 certificate.

103 Sec. 5. (NEW) (a) If a temporary certificate is revoked by the court as
104 provided in subsection (d) of section 3 of this act or by the Board of
105 Parole as provided in subsection (c) of section 4 of this act, disabilities
106 and forfeitures thereby relieved shall be reinstated as of the date upon
107 which the person to whom the certificate was issued receives written
108 notice of such revocation. Any such person shall upon receipt of such
109 notice surrender the certificate to the issuing court or board.

110 (b) Any person who knowingly uses or attempts to use a revoked
111 certificate of relief from disabilities in order to obtain or exercise any

112 right or privilege which such person would not be entitled to obtain or
113 exercise without a valid certificate shall be fined not more than five
114 hundred dollars or imprisoned not more than three months, or both.

Statement of Purpose:

To promote the rehabilitation of persons convicted of certain offenses by authorizing courts and the Board of Parole to issue a certificate of relief from civil disabilities that would remove any prohibition on a convicted person being employed, holding certain state-issued licenses and permits or participating in certain civic activities if the court or board finds that such relief is consistent with the rehabilitation of the person and with the public interest.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]